

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	<u>ORDER</u>
)	
v.)	Civil No.: 5:04MC7-V
)	Civil No.: 5:04MC8-V
LORI B. McDOWELL,)	
ROBERT McDOWELL,)	
)	
Respondents.)	
)	

THIS MATTER is before the Court on its own motion following a contempt hearing held September 12, 2005, consistent with 18 U.S.C. § 401(3).¹

IT IS HEREBY ORDERED THAT:

- 1) The Government's Petition To Enforce Internal Revenue Summons is **DENIED as moot** given Respondents' production of identifiable and responsive documents available to Respondents;
- 2) To the extent the United States sought an order directing respondents to show cause why they should not be held in civil contempt, the Government's motion is **DENIED**;
- 3) The Court's earlier finding of contempt related to Respondents' failure to appear before the undersigned on May 2, 2005, for purposes of a status hearing, is **VACATED**;
- 4) The Clerk of Court may return Respondents' passports; and
- 5) This Order shall be delivered to the U.S. Attorney's Office and Respondents, and Respondents' counsel.

¹"A court of the United States shall have power to punish by fine or imprisonment, at its discretion, such contempt of its authority, and none other, as.... disobedience or resistance to its lawful writ, process, order, rule, decree, or command." 18 U.S.C. § 401(3).

Signed: October 24, 2005



Richard L. Voorhees
United States District Judge



